



\$~18

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4597/2018 & CrI.M.A. 32914/2018**

DEEPAK DEY

.....Petitioner

Through: In person with Mr. Archit Upadhyay,
Advocate

Versus

VISHAKHA DEY

.....Respondent

Through: Ms. Sunita Arora, Advocate

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.05.2025

%

1. The present Petition under Section 482 Cr.P.C. has been filed by the Petitioner against the Order dated 11.05.2018 passed by the learned Additional Session Judge in CrI. Appeal No.08/2017, whereby the Order dated 28.10.2016 passed by the learned Metropolitan Magistrate dismissing Respondent's Complaint under Section 12 of *Protection of Women from Domestic Violence Act, 2005* was set aside and additional maintenance in the sum of Rs.3,000/- per month (*Rs.1,500/- towards rent and Rs.1,500/- towards education of the daughter*), over and above the amount of Rs.5,000/- per month in proceedings under Section 125 Cr.P.C. awarded by the Family Court *vide* Order dated 03.11.2025, has been granted to the Respondent.

2. The Respondent had filed a Petition under Section 12 of the *Protection of Women from Domestic Violence Act, 2005*, which was

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 22/05/2025 at 12:13:19



dismissed by the learned MM *vide* Order dated 28.10.2016 by observing that no act of domestic violence were proved by the Respondent. In the Revision Petition filed by the Respondent, the Order of the learned MM was set aside and the maintenance in the sum of Rs.1,500/- towards rent and Rs.1,500/- towards education of the daughter was directed to be paid to the Respondent w.e.f. 03.11.2015 i.e. the date on which the Petition under Section 125 Cr.P.C. was decided. Aggrieved by the said Order, the present Petition has been filed by the Petitioner-husband.

3. The grievance of the Petitioner-husband is that the learned Additional Session Judge could not have given an enhancement from the date of decision of the Petition under Section 125 Cr.P.C. and it should have been only in reference to the DV Act Petition. It is submitted that there was no basis to grant additional amount of Rs.3,000/- over and above the maintenance amount granted in proceedings under Section 125 Cr.P.C. It was therefore submitted that the impugned Order be set aside.

4. Learned Counsel for the Respondent submits that there is no merit in the present Petition and it is liable to be dismissed.

5. After some arguments, learned Counsel for the Petitioner has submitted that he is not pressing for other reliefs. Though amount of Rs.5,000/- is regularly been paid to the Respondent, but arrears have accumulated in respect of Rs.3,000/-, which are to be paid from 03.11.2015. It is submitted that he may be permitted to pay arrears in instalments.

6. In view of the submissions made, the present Petition is hereby disposed of with liberty to the Petitioner to move an appropriate Application before the learned Trial Court for deposit of the arrears of maintenance in instalments.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 22/05/2025 at 12:13:19



7. With these observations, the present Petition and pending Application are accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 14, 2025

r

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 22/05/2025 at 12:13:19